

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 958

94TH GENERAL ASSEMBLY

2008

3859L.03T

AN ACT

To repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 537.340, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 537.340, to read as follows:

537.340. 1. If any person shall cut down, injure or destroy or carry away
2 any tree placed or growing for use, shade or ornament, or any timber, rails or
3 wood standing, being or growing on the land of any other person, including any
4 governmental entity, or shall dig up, quarry or carry away any stones, ore or
5 mineral, gravel, clay or mold, or any ice or other substance or material being a
6 part of the realty, or any roots, fruits or plants, or cut down or carry away grass,
7 grain, corn, flax or hemp in which such person has no interest or right, standing,
8 lying or being on land not such person's own, or shall knowingly break the glass
9 or any part of it in any building not such person's own, the person so offending
10 shall pay to the party injured treble the value of the things so injured, broken,
11 destroyed or carried away, with costs. Any person filing a claim for damages
12 pursuant to this section need not prove negligence or intent.

13 **2. Notwithstanding the provisions of subsection 1 of this section,**
14 **the following rules shall apply to the trimming, removing, and**
15 **controlling of trees and other vegetation by any electric supplier:**

16 **(1) Every electric supplier that operates electric transmission or**
17 **distribution lines shall have the authority to maintain the same by**
18 **trimming, removing, and controlling trees and other vegetation posing**
19 **a hazard to the continued safe and reliable operation thereof;**

20 **(2) An electric supplier may exercise its authority under**
21 **subdivision (1) of this subsection if the trees and other vegetation are**

22 within the legal description of any recorded easement or, in the
23 absence of a recorded easement, the following:

24 (a) Within ten feet, plus one-half the length of any attached cross
25 arm, of either side of the centerline of electricity lines potentially
26 energized at or below 34.5 kilovolts measured line to line and located
27 within the limits of any city; or

28 (b) Within thirty feet of either side of the centerline of electricity
29 lines potentially energized at or below 34.5 kilovolts measured line to
30 line and located outside the limits of any city; or

31 (c) Within fifty feet of either side of the centerline of electricity
32 lines potentially energized between 34.5 and one hundred kilovolts
33 measured line to line; or

34 (d) Within the greater of the following for any electricity lines
35 potentially energized at one hundred kilovolts or more measured line
36 to line:

37 a. Seventy-five feet to either side of the centerline; or

38 b. Any required clearance distance adopted by either the Federal
39 Energy Regulatory Commission or an Electric Reliability Organization
40 authorized by the Energy Policy Act of 2005, 16 U.S.C. Section
41 824o. Such exercise shall be considered reasonable and necessary for
42 the proper and reliable operation of electric service and shall create a
43 rebuttable presumption, in claims for property damage, that the
44 electric supplier acted with reasonable care, operated within its rights
45 regarding the operation and maintenance of its electricity lines, and
46 has not committed a trespass;

47 (3) An electric supplier may trim, remove, and control trees and
48 other vegetation outside the provisions in subdivision (2) of this
49 subsection if such actions are necessary to maintain the continued safe
50 and reliable operation of its electric lines;

51 (4) An electric supplier may secure from the owner or occupier
52 of land greater authority to trim, remove, and control trees and other
53 vegetation than the provisions set forth in subdivision (2) of this
54 subsection and may exercise any and all rights regarding the trimming,
55 removing, and controlling of trees and other vegetation granted in any
56 easement held by the electric supplier;

57 (5) An electric supplier may trim or remove any tree of sufficient
58 height outside the provisions of subdivision (2) of this subsection when
59 such tree, if it were to fall, would threaten the integrity and safety of
60 any electric transmission or distribution line and would pose a hazard

61 to the continued safe and reliable operation thereof;

62 (6) Prior to the removal of any tree under the provisions of
63 subdivision (5) of this subsection, an electric supplier shall notify the
64 owner or occupier of land, if available, at least fourteen days prior to
65 such removal unless either the electric supplier deems the removal to
66 be immediately necessary to continue the safe and reliable operation
67 of its electricity lines, or the electric supplier is trimming or removing
68 trees and other vegetation following a major weather event or other
69 emergency situation;

70 (7) If any tree which is partially trimmed by an electric supplier
71 dies within three months as a result of said trimming, the owner or
72 occupier of land upon which the tree was trimmed may request in
73 writing that the electric supplier remove said tree at the electric
74 supplier's expense. The electric supplier shall respond to such request
75 within ninety days;

76 (8) Nothing in this subsection shall be interpreted as requiring
77 any electric supplier to fully exercise the authorities granted in this
78 subsection.

79 3. For purposes of this section, the term "electric supplier" means
80 any rural electric cooperative that is subject to the provisions of
81 chapter 394, RSMo, and any electrical corporation which is required by
82 its bylaws to operate on the not-for-profit cooperative business plan,
83 with its consumers who receive service as the stockholders of such
84 corporation, and which holds a certificate of public convenience and
85 necessity to serve a majority of its customer-owners in counties of the
86 third classification as of August 28, 2003.

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